GOVERNMENT OF INDIA
ENVIRONMENT AND FORESTS
LOK SABHA

UNSTARRED QUESTION NO:2258
ANSWERED ON:14.08.2006
FOREST TRIBAL RIGHTS BILL
Subba Shri Moni Kumar

Will the Minister of ENVIRONMENT AND FORESTS be pleased to state:

(a) whether the Forest Commission has raised objections to the Scheduled Tribes (Recognition of Forest Rights) Bill, 2005 due to its possible adverse impact on the existing forest cover in the country;

(b) if so, the main objections raised by the Forest Commission; and

(c) the Government's response thereto?

Answer

MINISTER OF STATE IN THE MINISTRY OF ENVIRONMENT AND FORESTS (SHRI NAMO NARAIN MEENA)

(a) Yes, Sir.

(b) The main objections raised by the National Forest Commission in its recommendations no.340, 341, 343 and 345 are as follows:

(i) The proposed Scheduled Tribes (Recognition of Forest Rights) Bill would be harmful to the interests of forests and to the ecological security of the country. It would be bad in law and would be in open conflict with the rulings of the Supreme Court.

(ii) The proposed legislation should not apply to national parks and sanctuaries.

(iii) There is ambiguity in the Bill about applicability of laws. If the laws of the land pertaining to forests and wildlife are to apply to all tribals and non-tribals, this must be clearly stated and the current confusion about duality in the application of law to tribals and non-tribals, be done away with.

(iv) The claims of tribals on forest lands should be finalized by quasi-judicial or judicial bodies and not by Gram Sabhas.

(c) The Scheduled Tribes (Recognition of Forest Rights) Bill 2005 has been introduced in Parliament and is under consideration.